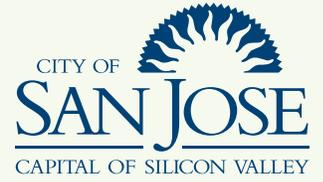
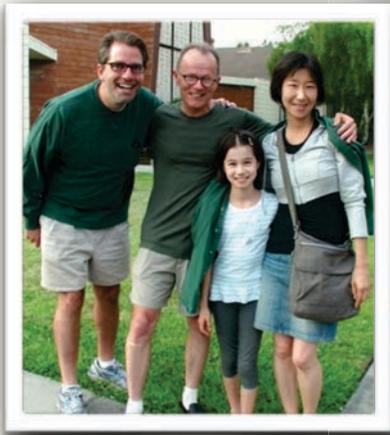


District 6



NEWSLETTER



What was the Summer Evening Walking Game?

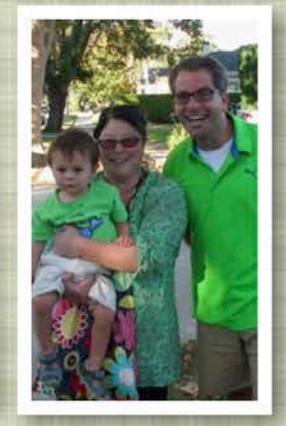
Warm summer nights made for perfect opportunities to stroll the neighborhood and enjoy the great outdoors. In order to promote good health, getting to know your neighbors, and the art of walking in general, I started a game.

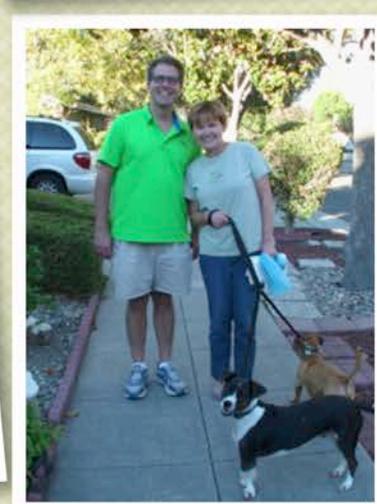
The game worked like this:

I notified the public via my Councilmember Pierluigi Oliverio Facebook page and District 6 website when a certain block by block area of District 6 would be featured on a specific date.

During this time, I drove around the designated area looking for summer evening walkers, and provided small incentives to those participating. Participants were required to walk with a partner (2 legs or 4 legs), and wear GREEN shirts for easy identification (a GREEN bow or other creative attire was acceptable for dogs). Thank you to Willow Glen Yogurt, Gussied Up Dog Boutique and Camera Cinemas for donating prizes.







All New City Employees Should Have Second-Tier Pensions

The city of San Jose should put a hold on hiring firefighters until the firefighter union accepts a lower cost, second-tier pension plan for new employees. This would achieve cost savings and keep the city on a fiscally responsible path. Doing so would allow us to dedicate more funds to hiring police officers.

My prior work experience before joining the City Council was in the high tech industry, so pensions and their financial obligations were new to me. However, given that the annual property tax revenues collected by the city were not sufficient to cover the annual pension payment, it was obvious that action needed to be taken. Nearly three years ago, I initiated a pension reform ballot measure that allowed the city to establish a lower cost, second-tier pension plan for new employees. Voters passed Measure W with more than 72 percent of the vote. The city was then able to negotiate a second tier pension plan with 10 of the 11 city unions, including the police officer's union. The firefighter's union is the one exception.

The firefighter's union set themselves apart from the other city employee unions, and simply refused to negotiate a two-tier pension plan. In order for the city to sustain itself and provide day-to-day services to residents, a second-tier pension system for newly hired employees, including firefighters, is not only the financially responsible option, but it has become essential.

Every other city employee union has realized that the only way to keep the city viable, and the existing pension system

intact, is to accept a second-tier pension plan for new hires. The firefighters have shown their objection to joining fellow city employees through their unwillingness to start arbitration on the issue. The city was forced to request that a judge compel the fire union to arbitration, and, on June 17, the court ordered the fire union to arbitration pursuant to the city charter. Even with the judge's recent decision, final implementation of any changes could take approximately one year.

Filling any future vacancies with new hires on the first-tier pension plan is not only financially costly, but it is also unfair to the other city employees who have agreed to the two-tier system. Continuing to hire firefighters under the old single-tier system simply increases the unfunded pension liability that has plagued the city for years, and it impedes the city's ability to meet its critical needs in the future, such as hiring additional police officers. Among all the proposed pension reforms, a second-tier pension plan for new employees has always had the strongest support from the public. The fire union should not be exempted.

I appreciate and respect the work of all San Jose firefighters, but I have found the fire union bosses to be obstructionist in their dealings with city officials. They have historically been unwilling to work towards the necessary solutions that are required, so that San Jose can have both adequate police and fire protection for residents.

Update: Since writing this article in July the fire union filed an appeal to the judge's decision further delaying arbitration.



San Jose Seniors Should Come First

San Jose has spent approximately \$1 billion on affordable housing, which has produced tens of thousands of units being built within our city limits. San Jose has always done more than its fair share in this area, and in fact has carried the region to our own economic detriment by shouldering most of the affordable housing needs for the region as a whole and fewer of the jobs. This is important, because San Jose should not repeat past mistakes when it comes to affordable housing. City residents would be better served if we focused instead on commercial development and higher density market rate housing (both of which contribute to San Jose's revenue, as neither are typically exempted from paying taxes and fees).



In my view, the goal of the majority of past and current city council members has been "quantity instead of quality" regarding affordable housing projects in general. The combination of interest group pressure and support pushed many elected officials to do whatever they could to provide the lion's share of affordable housing for the entire region. This mindset has unfortunately led to the sacrifice of over \$100 million in foregone tax and fee revenue for the city. I believe that if voters knew the revenue trade-offs and understood the methodology that is currently in place to determine that who actually occupies the housing units, they would not approve of these developments.

One would hope that, at a bare minimum, all this affordable housing would actually benefit San Jose residents, but this is only partially true, due to the fact that San Joseans are not given preferential treatment in terms of access to available units. An illustrative example concerns affordable housing for seniors: when a new senior affordable housing complex opens, residents from any region may apply for the highly coveted units. Let's assume that one candidate is a person who has lived in San Jose all their life, and has contributed to San Jose in some meaningful way over the past several

decades. The other candidate is a person who recently moved to San Jose from out of the area, perhaps even from out of the state or country. Both these individuals qualify for the unit in terms of their income level and age. Who should get the affordable housing unit? It would seem only fair that the San Jose resident would ultimately get the spot, but this is not always the case. The answer, quite literally, is up to the "luck of the draw," as the result is determined via a random lottery.

While this method does level the playing field and give all applicants an equal chance, I feel that it is imperfect, due to the fact that it fails to take into account that the City of San Jose and its current residents sacrifice tax and fee revenue to subsidize new affordable housing. Each time residents support more affordable housing projects, they are forgoing the kind of revenue-generation that can lead to the funding of police officer salaries, more paved roads, and new parks.

Charity starts at home, and we should find a way to allocate the majority of new affordable housing units to "native" or at least current San Jose residents. This would be a small but significant step in the right direction. In politics as in life, we are often confronted with tradeoffs: how can we best meet the needs of our citizenry and provide the services that residents rightfully demand, while simultaneously working within budgetary confines? The answer is that we must prioritize projects that generate revenue. While there is no denying the fact that the need is great and that compassion should influence policy decisions in this area, I personally believe that the best solution should be governed by the realization that there are limits to what we can do as one city.



The One Coat Wonder Project



The One Coat Wonder Project was started by San Jose Resident, Sean Stanton. The premise of the initiative is to collect 1,000 warm jackets for the homeless of San Jose by October 1.

"I came to the title of my project when I realized that even just

one coat would make a wonderful difference to a person in need this winter season. Hence, the One Coat Wonder Project," said Sean when we met at the homeless shelter on Saturday, August 30th.

Sean delivered 600 warm jackets to the shelter. He's over halfway to his goal of 1,000 jackets.

If you would like to donate a jacket to this great cause, please contact Sean at the One Coat Wonder Project:

www.onecoatwonderproject.wordpress.com/



Married 73 Years!!

Hank and Barbara Charling recently celebrated their 73rd Wedding Anniversary. They met at SJSU and have lived in the Rose Garden neighborhood since 1951. Three cheers for the Charlings!



If you know of any couples that live in District 6 and have been married over 50 years, let us know: Pierluigi.Oliverio@SanJoseCA.gov



Follow Councilmember Oliverio on Facebook:

www.tinyurl.com/OliverioFacebook

Airport - Late Night Noise or Reduce Expenses?

San Jose airport's (SJC) economic viability is in a precarious position. The bond payments are now due for the \$1.7 billion dollar airport expansion, and ultimately the payment could fall to the general fund if airport revenue can not cover what is owed. In order to avoid a bailout by tapping into the general fund, it is important to run the airport in the black. There are two ways to do this: either increase revenue, or reduce expenses. The airport has already reduced costs by laying off airport staff. However, more cost saving measures are needed in order to make SJC more cost competitive with other regional airports.

Despite this predicament, the city council has actually increased the cost of doing business at the airport by voting for "feel good" measures like the San Jose living wage policy, passed by the council in 2009. Airport staff and airline personnel both warned the council that this policy would make our airport less competitive. Surprisingly, I was the only council member that voted no, and ultimately the measure passed. This new mandate requires companies at the airport to pay private sector workers above-market wages. Placing such constraints on the rights of private business may win some votes for the politicians, but such actions also end up raising costs for the airlines as well as the airport itself, which must now oversee this policy. Higher costs for airlines at SJC can reduce flights in and out of the airport which in turn reduces airport revenue.

One way to cover the bond payments would be to increase airport revenue. This has already been done without undermining the curfew by expanding food courts, retail, rental cars and advertising within the airport. Further revenue growth could be achieved with the expansion and development of the airport's west side. This possibility has been under discussion for years, and the majority of the council voted on April 3, 2012 to accept development bids for this land. One proposal currently before the council would bring in \$3 million a year for the airport: \$2.6 million a year for rent, and another \$400,000 from selling jet fuel. This development would house corporate jet aircraft, and would also be able to fuel and repair these planes.



However, most of these new airplanes would be exempt from the 11:30PM to 6:30AM curfew, and be able to fly in and out of San Jose airport 24/7. Any potential airport expansion would most surely increase the total inventory of curfew exempt planes, and thus increase the probability of more disruptive noise at night. In my view, this new revenue would bring with it the unfortunate by-product of greater noise pollution late at night and into the wee hours of the morning. This begs the question: how much is a good nights sleep worth?

Another way to cover bond payments and ensure that SJC operates in the black would require reducing expenses. On March 8, 2010 the city council had a study session to discuss solutions that would both save money and also abide by FAA regulations.

Airport staff proposed saving millions by outsourcing police and fire services like other airports across the USA. However, council, in my opinion, has not acted on this recommendation due to outside pressure from powerful union interests.

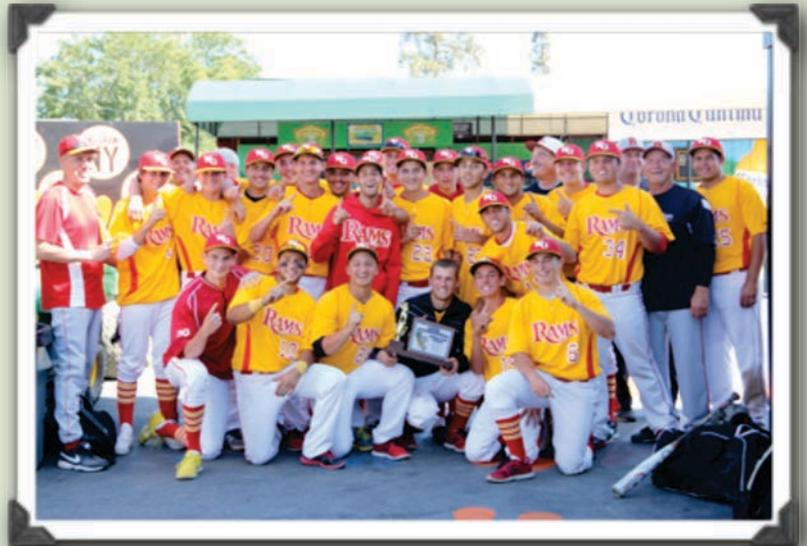
If the ultimate goal is to run the airport in the black, my recommendation would be to go with the concrete, "known" cost savings provided by airport staff over revenue projections/forecast figures derived from the expansion. The former requires that we work more efficiently with the fiscal resources that we already have. The latter requires that we blindly trust that the accompanying late night noise consequences will not get too out of hand, and that if they do, we will have an effective and foolproof way of addressing resident's complaints. Because of the lack of legal enforceability inherent in such arrangements, I, for one, am skeptical of such deals. No matter what anyone says, no municipal code or contract language can stop curfew exempt planes from flying from 11:30PM to 6:30AM.

I voted against the expansion April 3, 2012 and again April 9, 2013 due to the fact there are other options to run the airport in the black without disturbing the traditional quiet time of our city's residents. After all, why disrupt the sleep of thousands of residents when we can provide the same or greater cost savings from simply managing staffing differently?

Congratulations to the Willow Glen High Baseball Team



Our Willow Glen Rams Baseball Team won the CCS Championship May 25, after a nail-biter against Saint Ignatius of San Francisco. Last time our Rams won the Championships was 1967.



Willow Glen was the only San Jose team to make any of the CCS division finals for baseball. The Rams beat Saint Ignatius 4 to 3 in extra innings. The Rams had the only home run of the game and managed to pull off a triple play at a time when it mattered most. Congratulations to the team, coaches, students and parents of the Willow Glen High Baseball Team.

Kudos to the Willow Glen Neighborhood Association

Thank you for organizing a successful Bike to School event on May 10. There was an impressive turnout from both parents and students alike.

Students from Booksin, Schallenberger and St. Christopher's met up at Wallenberg Park in the morning and biked their way to school. Such events keep our community strong, and allow us to interact with our neighbors in a positive fashion.



An Open Letter to NETFLIX

Dear Netflix,

Congratulations on your company's success in the marketplace.

Your first-to-market strategy, technology and service offerings have made Netflix a well respected global brand.

Netflix has not only created millions of satisfied customers, but your success has also generated substantial wealth for shareholders, employees and their respective families. Netflix has also increased tax revenue to government, whether it be capital gains and income taxes from employees to state and federal government, or sales, utility and property tax revenues from business operations to local government.

Companies have choices when it comes to expansion: they may expand locally, or they may take their business out of state. Many would argue that California does not provide a hospitable environment for business. It has earned this reputation due to nonsensical laws like CEQA, which delay and prevent companies from expanding and employing people. The same anti common sense law has even been used to block the construction of bathrooms at parks and the remodeling of an existing library.

CEQA law was used to block Netflix's first attempt at expansion in Los Gatos, and could potentially be used again. Unfortunately, time is money. Delay, uncertainty and lingering doubt can really take a toll on even the most optimistic among us. Based on public testimony from Los Gatos Town Council meetings, one could easily conclude that Los Gatos simply does not want Netflix to expand in their town. Los Gatos is a great community with many positive attributes, and residents may have a vested interest in ensuring that Los Gatos remains unchanged.

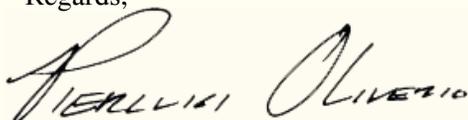
As an alternative, the City of San Jose would be ready to act quickly on the entitlement of the Netflix corporate headquarters. Netflix would be welcomed with open arms, and appreciated for the value you bring to the community. San Jose can also offer additional perks to your workforce that are different from the standard offerings of an office park. For example, Santana Row, located just down the road, would offer a dynamic work environment that does not require your employees to get in car to enjoy all of the amenities just outside their workplace.

Another site on the 280 corridor is located at Meridian Ave next to the Echelon Corporation. This facility would be adjacent to light rail and within walking distance to the Willow Glen business district. If Netflix is open to looking further east, then locating in Downtown San Jose may be an even better fit for your company. Since a good portion of Netflix's business entails mailing or streaming movies, why not locate closer to where performing arts thrive in the form of live theater and musicals, in the same city that is also home to the Cinequest Film Festival?

San Jose would be proud to have Netflix call our city home. San Jose is a good long term choice for Netflix, since the majority of your workforce is likely to live in San Jose which can accommodate more residents than a small town. San Jose could also get creative when it comes to sharing tax revenues generated from your new campus. A portion of these funds could be directed to local philanthropic organizations in the name of Netflix.

In conclusion, encouraging businesses to locate to San Jose can either be done quietly under the table or it can be done out in the open. I am personally a fan of negotiating out in the open, with no hidden agenda or secret deals. The simple fact remains: We Want Your Business.

Regards,



Councilmember
Pierluigi Oliverio

Nextdoor is the private social network for your neighborhood



Nextdoor is a safe and secure neighborhood communication platform *where people are actually confirmed to live in the neighborhood*. This provides peace of mind as many local email groups do not verify residency which is problematic.

Nextdoor is being used by the San Jose Police Department to provide information to residents of San Jose Neighborhoods. Consider joining YOUR Nextdoor today by registering at www.Nextdoor.com

National Night Out - Midtown Neighborhood



Follow Councilmember Oliverio on Facebook: www.tinyurl.com/OliverioFacebook



West San Carlos - revisited

Last newsletter, I wrote about West San Carlos Street as one of the major boulevards in San Jose. West San Carlos is the strategic link between our city's downtown and the Santana Row/Valley Fair area. One of the major parcels on West San Carlos is the site of the former Fiesta Lanes bowling alley and retail/auto center. The city council voted this month to remove the final hurdle in the transformation of this strategic parcel by funding the construction of a housing complex that would be exempt from property tax. The vote was 10-1 in favor of approval, with my vote as the only one against this proposal.

This transformation started back in 2002, when the city council rezoned this large parcel from commercial to residential usage. The composition and nature of the land changed during this process, and went from a parcel that was previously comprised of approximately 50,000 sq feet of retail/commercial space to one that will eventually become all affordable housing with a token 3600 sq feet of retail. As a result of this rezoning, this parcel was transformed from one that could have created more employment opportunities for San Jose residents (and thus, much-needed revenue for the city) into something quite different. Although eliminating job opportunities may not have been the intention of those that voted in favor of this change, this may very well be the result.

As we move forward with future development in San Jose, I am hopeful we will review similar opportunities with a long term vision that takes into account that San Jose has already done more than its fair share in providing housing for the region. We should now focus more on the creation of greater and more diversified employment opportunities. This is particularly true when dealing with parcels that are large in size and/or strategically located within San Jose. Such opportunities are seldom, and the decisions we make can have far-reaching implications and repercussions that stretch well into the future.

EIC - A BAD IDEA FROM DAY ONE

The San Jose Environmental Innovation Center (EIC) has been in the news a lot recently, due to the fact it is \$1.6 million over budget and 6 months behind schedule. This project, in my view, was always risky, as it utilized complicated tax credits and thus exposes the general fund, the guarantor of the project, to future risk.

During my tenure as a city councilmember, I have had to deal with numerous general fund debt obligation issues. Some of these projects end up totaling millions of dollars each year, for expenses related to golf courses, the Hayes Mansion and similar ventures that end up reducing available funds for other core city services. So, being in the position to avoid future financial risk, why would I support yet another project such as the EIC that would imperil our general fund? When this issue came to council, I voted no several times, where was I often the only no vote. When there is a single dissenting vote, this automatically means that any substitute motion would die for a lack of a second. This is true in all cases.

The first time I voted against the project was on 5/17/11, where I was the only no vote. This is important, since the project could have technically been stopped that day, thus avoiding the current situation. The next time I voted against this project was on 10/25/11, where once again, I was the only no vote. On 1/10/12 this item returned to council, and this time I was joined by my colleagues Xavier Campos, Kansen Chu and Ash Kalra in voting no. However, the 7-4 vote was still not enough to stop this project and the ensuing risk to our general fund. This item returned to council again on 10/2/12 and 4/30/13, and in both of these instances, I was once again the only no vote.

In each of these prior decisions, city councilmembers were allowed to vote unencumbered by legal limitations. However, on May 31, 2011, the city council was constrained by the city charter. The City Charter requires the city council to accept the lowest cost bid for public works projects. This requirement of

accepting the lowest cost bid has been reaffirmed by voters of San Jose in eight municipal elections.

Whether or not an individual councilperson supports a particular project, the council must accept the lowest bid. If the lowest cost bid is not accepted, it opens the door for a lawsuit from the winning contractor since the city would not be following the process laid out in the city charter.

The winning contractor had their attorney speak at the 5/31/11 city council meeting, and he noted that nothing was done improperly in the bid, and therefore council must select the lowest bid. This was affirmed by the city attorney and the public works director as lowest responsible bid. After listening to my colleagues speak at length on the issue I knew that this was going to pass as even the head of the building trades union spoke in favor of accepting the lowest bid.

A substitute motion to reject all bids would have had zero support since the tax credits were expiring and the project would be dead and the overwhelming majority of the council wanted to move forward with this project. It stands to reason, then, that this is exactly what the council did that day. The die had already been cast on moving forward with the project from a prior vote and now the council was simply following the legal mandate laid out in the city charter.

Going forward, the council may want to consider asking voters to amend the city charter in a way that may allow for more flexibility during the bid review process. This may be difficult, however, as many voters feel that the lowest bid is always the best bid and this stipulation avoids the awarding of contracts to friends, relatives and major campaign donors. Where the council really has discretion in my opinion, is during the deliberation phase of the project, when we are debating whether or not to build something at all. This is where I respectfully disagreed.

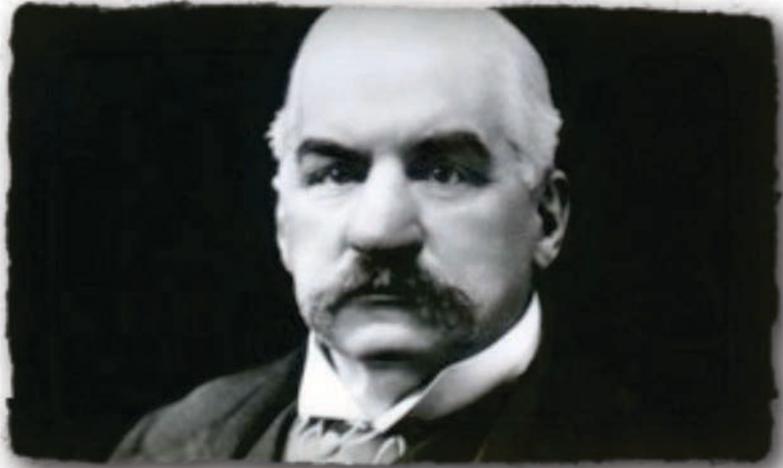
JP Morgan is San Jose's Payday Lender

SARA Meeting - part one

Recently I participated as the alternate for Mayor Reed on the oversight board for the Successor Agency to the Redevelopment Agency (SARA). The primary focus of the meeting concerned the approval of a one-year extension to the existing Letter of Credit (LOC) with JP Morgan bank. This extension had already been passed by the City Council, but it was still up to the SARA Oversight Board to approve the extension as well.

Back in 1996 and 2003, the council, acting as the Redevelopment Agency (RDA), issued a total of \$119 million in variable rate bonds—this does not include the millions in fixed-rate bonds issued during the same time period. The city then entered into a LOC arrangement as an insurance measure to guard against the higher interest rate trigger inherent in variable rate bonds. The LOC approval enabled the council to borrow even more money. The annual fee for this LOC is \$2.4 million, and the only way to avoid this annual fee is to come up with the \$90 million required to pay off the remaining balance on the bonds. The final payment of these bonds is scheduled for 2032, which will be a continuing challenge for future city leaders.

Unfortunately, we have little leverage in negotiation with the bank and are beholden



to its terms. Just as excessive debt can reduce a person's individual freedom, the same is true in municipal finance: Onerous debt obligations can impede the ability of government to provide vital community services.

In the event that the city were to default on the LOC, the general fund would be on the hook for at least a decade to cover the full annual debt payments on the convention center and fourth street garage, which is currently \$18.7 million. In addition, JPMorgan would charge an 11.5 percent penalty on the outstanding balance, further compounding the problem. JP Morgan, understanding the inherent risk involved, presently holds \$5 million of San Jose SARA funds in escrow should there be a default. The bank is also listed second on deed of eighteen city properties that could be sold. This form of collateral was negotiated in a prior LOC extension.

Stay tuned for part two.

JP Morgan is San Jose's Payday Lender

SARA Meeting - part two

The other item discussed at the same meeting concerned the fact that the State Controller had informed city officials that a prior forced loan to the State is not an enforceable obligation. If this is the case, then the RDA tax increment cannot be used to repay the source of the funds borrowed.

Once again in 2011, the state grabbed money from RDA agencies statewide. Cities were allowed the flexibility to use housing funds to make this loan payment to Sacramento. At the time, I stated that we should utilize all funds from the housing department in order to make the payment, since funds were available at that time. The option was either to create more non-tax paying affordable housing developments, or fund economic development projects for companies that employ residents and pay taxes, such as Brocade, Maxim and SunPower. For me, the choice was clear—without tax revenue, we cannot employ police officers or pave roads.

However the rest of the council disagreed with me, and decided instead to put the general fund at risk by borrowing \$10 million in commercial paper instead of using available housing funds to make the forced loan payment. Another way of looking at it is the council voted to borrow money to provide more affordable housing instead of funding future police and roads. At the time of the council vote, there was more than \$10 million available from the Housing Department to borrow without putting the general fund at risk. I wrote about how I was the only no vote on this item back in May 2011.

Back in December 2009, I sat through another borrowing binge to the tune of \$25 million. A

proposal from my council colleagues passed, which allowed for the borrowing of \$25 million from the general fund, park reserves, etc...at a time when housing funds were available to cover this amount. On this occasion Mayor Reed and Councilmember Constant joined me in voting “no.”

If the State Controller's finding stands, approximately \$52 million would now be dedicated to paying down the RDA debt, and sooner than currently anticipated. A consequence of this, however, is that the housing department would not be repaid the \$42 million that was borrowed, and the general fund of San Jose would not be repaid for the \$10 million issued in commercial paper. Inevitably, litigation may be required to resolve this issue, and the future policy direction will depend on a vote from the council.

If we do go down the route of litigation, I would be satisfied with a judgment that protects the general fund and its \$10 million, and allows the remaining \$42 million to be dedicated towards paying down the RDA debt. This debt reduction would also help the general fund in a future fiscal year.

By attending meetings such as SARA, I am able to hear firsthand about the issues of the day and analyze the information that is shared. This is what led me to find a way to save the general fund \$10 million: After my article was published on San Jose Inside, city staff reversed their original decision, and I'm happy to announce the General Fund was spared \$10 million as a result.

But what will happen this time?

Rose Garden Hall of Fame Award

A contingent from San Jose made their way to New York City when the Municipal Rose Garden was inducted into the Rose Garden Hall of Fame by the Great Rosarians of the World. Our Municipal Garden now joins other previous award winners located across the globe in prestigious places.

Those representing San Jose at the Award Ceremony were Debra Figone (City Manager), Julie Edmonds-Mares (Director of Parks), Steve Hammack (Deputy Director Parks), Myles Tobin (FSJRG Director) and Terry Reilly (FSJRG Co-Founder). What a great honor for the Garden! Thanks to everyone who helped make this award possible, and a special thanks to all of the volunteers for putting our City on the map and making all San Jose residents so very proud!



Special Thanks to WGNA & Friends of Los Gatos Creek

For organizing several creek cleanups around Bascom, Leigh, Meridian, Lincoln and Auzerais Streets. We appreciate your joint effort!



Two new Art Boxes were completed in District 6 this summer. Check them out @

- Meridian Ave & Dry Creek Rd
- Park Ave & Sandringham next to Hoover Middle School

District 6 has the highest percentage of land covered by trees in all of San Jose.

"People recognize that trees bring character and make a neighborhood," said city Councilman Pierluigi Oliverio, who proudly represents leafy District 6.

- April 23 SJMN



Sexual harassment should not be defended by firefighters union

April 8, represents the unfortunate five-year anniversary of a very painful situation for the city of San Jose. As reported previously in the San Jose Mercury News, 2008 was the year city officials terminated, or at least tried to terminate, a firefighter on charges of sexual harassment against female co-workers.

This misconduct included "unsolicited massages, kisses, birthday spankings, and other inappropriate touching and banter." Such behavior clearly falls within the legal guidelines of sexual harassment. Yet, the firefighter union came to the defense of the accused firefighter, and ultimately argued that termination was excessive. This same firefighter had prior complaints involving issues of sexual harassment in 1998 and 2002.

When the firefighter was terminated, the firefighter's union appealed and took it to arbitration. It is important to note that arbitration can also be used in ways the general public may be unaware of, because arbitration proceedings are conducted behind closed doors. In 2009, an arbitration award was issued stating that the city did not have "just cause" to terminate the male firefighter for sexual harassment. The city was also required to pay out wages for the years spent under litigation.

The city then chose to go to court to appeal the arbitration decision, and the firefighter union once again opposed this action. As a result, the case went all the way to the California Supreme court. In 2011, the court ultimately denied the petition to review and ruled in favor of the firefighter union.

The city, now faced with the challenge of reintroducing this firefighter back into the workplace while simultaneously trying to minimize potential lawsuits, attempted to place the firefighter back into service in a way in which his interactions with female employees could be supervised. However, once again, the firefighter's union objected and filed a charge against the city of San Jose with the Public Employment Relations Board (PERB) in 2012. We are currently awaiting a decision from PERB and have now passed 5 years of process.

Having worked more than 17 years in the high tech industry, I can say that the issue of sexual harassment in the private sector is taken very seriously. If termination is required, it is done in a swift manner and without union interference. This is not only an issue of responsible and legally sound corporate governance, but such policies also foster and promote the kind of work environment that is conducive to professional growth and safe for all.

In addition, by choosing all means possible to protect someone who would otherwise have been terminated without further thought in the private sector, the firefighter's union not only exhibited poor judgment, but also created negative PR for unions in general.

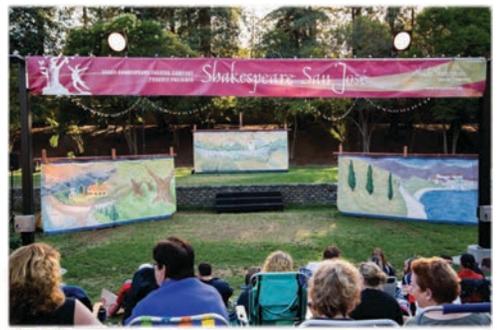
This same union also filed a formal grievance over the city manager's attempt to clarify San Jose's sexual harassment policy at co-ed fire stations. Incidents of pornography at fire stations have cost the city at least one \$200,000 payout to a female firefighter.

The union should cease fighting for such causes that ultimately undermine their credibility. Firefighters are vital and appreciated city employees, and I can't help but think that the efforts of their union would be better focused on negotiations that pertain to higher wages and benefits for its members who do good work throughout our community.

The attempt to terminate this one firefighter alone has cost the city an incredible amount of money and time. Fees for outside legal counsel and the work hours that city staff dedicated to this effort divert resources away from vital city services. But even more significant than the tangible costs associated with such efforts, the psychological toll that workplace sexual harassment can take on employees must also be taken into account.

The city of San Jose prides itself on providing a safe and healthy work environment for all its employees. We can do better than this. We owe this much and more to the courageous and brave women who testified before the city council in public session about this harassment. It wasn't an easy task, and we honor their voice by doing all that we can to make sure this does not happen again.

Shakespeare in the Park



Shakespeare San Jose: a great success!

For some time now, I have wanted to see Shakespeare performed outdoors in San Jose. I have had the opportunity to see outdoor Shakespeare performances as far away as Ashland, Ore., and as close by as Los Gatos, Santa Cruz and Saratoga. In every instance, it was a great time. Each time I thought this type of event would be nice for San Jose, and I pictured a specific location. Willow Street's Frank Bramhall Park in Willow Glen has an amphitheater that hosted events back in the 1970's, but it has gone largely unutilized in subsequent decades.

Two years ago, I approached the talented group Shady Shakespeare Theatre Company and asked staff to walk through Bramhall Park with me to see if they would consider performing at the venue. At first glance, it was viewed as less desirable, due to the fact that the grass was dead in the summer, and the amphitheater had electrical connections that no longer functioned and sub-optimal lighting. Despite these less than ideal circumstances, we agreed to keep in touch.

In order to improve the venue, the city of San Jose parks department worked to enhance the space by installing a sprinkler system that would allow for healthier grass in the summer. This improvement would not only benefit event-goers by providing a more comfortable "cushion" to enjoy performances, but it would also enhance the space for general everyday recreational activities, such as laying down to read a book or enjoying a picnic lunch. The following year, the electrical connection was repaired, and the amphitheater lighting system was vastly improved.

With these modifications, the need to rent lights and noisy generators that power them was eliminated, and the ability to enjoy a quiet and odor-free outdoor theater experience was born. It is important to note that all of these improvements were made with capital parks funds that are dedicated to such endeavors.

Even with these improvements, there was an inherent risk that no one would show up. Outdoor, evening performances of Shakespeare had not been done before in San Jose, and the concern—shared both by the city of San Jose and the theater group—was that these improvements may have been done all for naught. But lo and behold, hear ye, hear ye, on opening night there was an audience of well over 400 patrons!



People of all ages and demographics, and nearly every breed of well-behaved dog, enjoyed picnics, sipped wine and shared their enthusiasm for Shady Shakespeare's "Twelfth Night" against a backdrop of towering redwood trees in San Jose's only natural grass amphitheater, all of which made for a picture perfect event. The number of attendees far exceeded our expectations, and the final tally of 4,000-plus people was more than twice the pre-performance estimate of around 2,000. With such a fantastic turnout, it is very likely that this event will become a tradition in San Jose, and our hope is that Shady Shakespeare will return to perform in this park for many years to come.

Successful endeavors are almost always characterized by careful and diligent coordination of many groups of people, and this event was no exception. A special thanks goes to the PRNS staff that worked to bring this cultural experience to San Jose. Appreciation is also due to the Public Works department for the infrastructural improvements that were made on the amphitheater. Financial contributions from the following sponsors allowed this series to be free to the public: The Office of Cultural Affairs gave \$3,800 from a competitive art grant (funded by the hotel tax), and \$5,000 came from semiconductor capital equipment maker Applied Materials. Also, special thanks to the patrons themselves who were willing to donate during and after each performance.

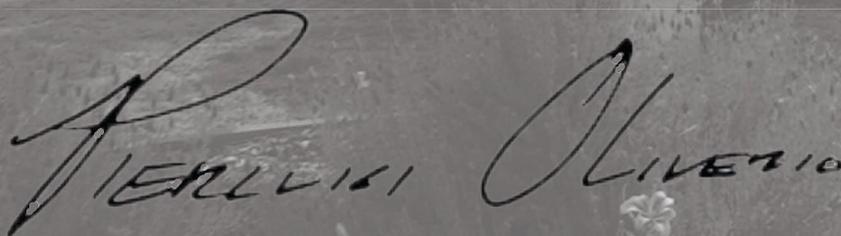
And finally, a big THANK YOU to Shady Shakespeare for taking a chance on San Jose. All in all, the inaugural series of Shakespeare in Bramhall Park turned out to be a magnificent tale, indeed.

ESTABLISHED 1913

Palm Haven

Happy 100th Birthday!

Congratulations on
your strong sense
of community

A handwritten signature in black ink that reads "Pierluigi Oliverio". The signature is written in a cursive style and is contained within a thin black rectangular border.

Councilmember Pierluigi Oliverio

IN CASE OF REGIONAL EMERGENCY, LAW ENFORCEMENT COMMUNICATIONS OPTIONS LIMITED

The day begins like any other in beautiful Silicon Valley: children are on their way to school, commuters are stuck in traffic, etc. Our carefree existence then suddenly gives way to a terrorist attack at a high-profile technology company. People are killed, injured, power is out, phone service is down, and a pursuit is underway for those who have set out to harm us. Police and fire departments across the region and in neighboring counties attempt to communicate and provide mutual aid, as an “all hands on deck” approach is required to tackle the catastrophic situation as it unfolds.

But in this scenario, one of the main issues is that there is no way to for all personnel to effectively communicate with other agencies in real time. This is the problem that the Silicon Valley Regional Interoperability Authority (SVRIA) is currently trying to solve. SVRIA was formed in 2010, and its exists to identify, coordinate and implement communication interoperability solutions. The goal is to seamlessly integrate voice and data communications between all first responders for critical incidents, disaster response and recovery.

The SVRIA board of directors is comprised of elected officials throughout the county, including our Sheriff Laurie Smith. I have been a board member of SVRIA since its inception and have found the proceedings to be extremely technical. I also believe that most residents are unaware of the shortcomings inherent in our current communication technology. Even in a post 9/11 environment, public safety departments still lack the technology to have multiple conversations in a secure, encrypted format. The current countywide system for public safety only allows one unsecure—not encrypted—conversation and hand-held radio coverage is limited.

In the case of a major earthquake, cities within Santa Clara County cannot connect with other Bay Area counties in an optimized manner, because those counties use different technology. Santa Clara County would essentially be on its own, but it would also be internally divided by cities based on communication platforms.

So this begs the question: Why, in Silicon Valley of all places, do we not have a more effective system in place?

One reason is that we have separate jurisdictions, each of which made investments in technology at different points of time and with different objectives in mind. The end result is that we have roughly a dozen distinct legacy systems in place across the geographic span of the county.

The other reason is cost. The price tag for the latest standards-based technology and maintainable solution has been estimated at \$250 million. This includes building out dozens of sites that transmit signals and equipping thousands of our first responders and their vehicles with devices that receive these signals.

One method to fund such a proposal would entail a ballot measure to raise taxes to cover the cost. Preliminary estimates put this parcel tax at \$29 per parcel for 20 years. Another option is for each city to go it alone, which could lead to further systemic incompatibility and the inability for cities within our county to communicate. In other words, we could potentially end up right back where we started.

Polling data suggests support for this parcel tax at the simple majority level, but not enough to clear the two-thirds threshold necessary. I cannot envision a scenario where this new tax would pass without the strong and visible public support of all the police and fire chiefs from every city in the county. In addition to the support of public safety leadership, I would also call upon the high-tech community to lend their public support and financial backing for passage of such a ballot measure.

I realize this may not be the most exciting or high-profile issue to bring to the table. However, I think it is my responsibility as an elected official to keep residents apprised of the documented shortcomings in our emergency preparedness technology. Voters may potentially see this item on the ballot in 2014, along with a general-purpose sales tax, library parcel tax, road paving tax and a parcel tax to build more affordable housing. Since communication technology is comparatively “intangible” when compared to potholes, for example, it may not be a top priority for voters. But it only takes one catastrophic event to bring this topic front and center in the minds of voters, so maybe they will take this factor into consideration.

Free Cat Adoptions

I recently discovered the city of San Jose animal care center was filled to capacity with cats in need of loving homes.

As a result, I sponsored free adoptions for one week in August. 63 cats were adopted that week (a 125% increase), and now enjoy a happy home.

We would like to repeat the success by again sponsoring FREE adult cat and select kitten adoptions, November 1-7, 2013.

In 2010, I adopted a rescue cat who has since brought me great happiness. To view adoptable cats please visit www.sanjoseanimals.com



Dolcetto Café and Market will be opening later this year in downtown Willow Glen on the corner of Minnesota and Lincoln Avenue. Owners and D6 residents Edie Ghielmetti-Givens and Laura Mills are both from Italian decent, and have spent years researching exactly the right kind of business for Willow Glen.

Dolcetto Café and Market will be an authentic neighborhood café with a menu focused on seasonal ingredients prepared in a simple and straightforward Italian style. They will strive to create an authentic Italian Café and Market experience that will include a café with Panini's, baguette sandwiches, salads, fine meat/cheese plates, soups and desserts. They have sourced an Italian Roaster called Coffee Umbria which will serve a more

traditional Italian coffee experience. Dolcetto will carry a selection of unique Italian beer and wine from small family vineyards in Italy. There will also a section of the store which will stock Italian Specialty Food items. Expect unique Italian food products from three regions (Northern, Central and Southern) and select gift items, such as Italian ceramics, Italian cookbooks, and Murano glassware.

Owners Edie and Laura will partner with Willow Glen Home and Garden and Karen Shea Designs to create the unique Italian experience with classic Italian styles. The design of the restaurant will fit into the Willow Glen neighborhood style, a neighborhood rich in Italian history and culture. Their goal is to allow you to escape to a little bit of Italy, right in downtown Willow Glen.

SAN JOSE COUNCILMEMBER
PIERLUIGI OLIVERIO
 DISTRICT 6



SAP Center at San Jose

When the San Jose Arena first opened in 1993, I remember standing in a long line in order to apply for a job. I was accompanied by several friends who were also keen to work at the impressive new venue. We thought it would be great to work in this facility. At the time, with the benefit of 22 years of wisdom, we did not understand the level of risk taken by the City of San Jose, or the massive investment that the

Redevelopment Agency had made on behalf of the city. Out of our group of five, two of us were hired, including myself. I was so happy to work in this fine facility and make “minimum wage plus tips” that I didn’t mind getting the haircut that my future supervisor requested.

So how, exactly, did our shiny new arena enter the scene? The now defunct Redevelopment Agency had purchased the land in the 80’s, and in 1988 voters approved the construction of the building that many fans now fondly call “the Shark Tank” for \$162 million. Most would agree that the arena has been a huge success for San Jose, and has given residents a place to gather for sports and entertainment. It provided a “shot in the arm” to our downtown, and draws people to the region. As a San Jose native, it brings me great pleasure and a strong sense of pride to hear arena visitors conclude that they have an overall positive impression of our city.

The annual cost to SAP for naming rights is \$3.35 million, which is to be split evenly between the Sharks and the city of San Jose. This agreement provides the city with \$1.675 million annually, and \$8.375 million over the five year term.



The transfer of the naming rights from HP to SAP is a positive move. First, SAP is a software company known the world over. San Jose is internationally known as a tech centric city, and also the home of a well known NHL team. Having a European company hold the naming rights is a good thing, as we are a global city. Although not a household name for some outside of the technology industry, SAP touts local

clients such as Adobe, Apple, eBay, HP, Intuit, and Tesla, and many other global clients as well, including EMC, General Motors, Hasbro, Honeywell, Proctor & Gamble and Siemens. With

clients like this, a multi billion dollar market cap, and global brand recognition we have a secure naming rights client for San Jose.

Alternatively, the city could have accepted bids from other corporations. However, given a choice between Domino’s Pizza Palace, the Doritos Nacho Cheese Arena, etc I think that staying with a technology company is more in keeping with the international image of San Jose. The City did contract with a consulting group familiar with naming rights, and their report (which compared 20 other naming contracts from across country) concluded that \$3.35 million is a fair price.

Let’s hope that this win-win outcome results in further victories on the ice for the Sharks, culminating in a Stanley Cup championship some time before high speed rail comes to San Jose in 2027.

About the new Whole Foods

The Store



Size

The store will be 33,000 square feet.

Architecture

Whole Food spent a great deal of effort to have it fit into the surrounding area. Several community meeting were held to refine the final design.

Food Service

As with most Whole Foods Stores, prepared meals from Wood Fired Pizza, Hand-Rolled Sushi, Burritos to Sandwiches will be available, along with their full service grocery and deli items.



The Brewery



Yes, The Brewery

This will be the first Whole Foods to have an actual Brewery on site. "It will offer a rooftop beer garden complete with seating and a fire pit so customers can relax and enjoy great conversation while tasting a microbrew made right on the premises," said Whole Foods' regional president Rob Twyman. The Tap Room & Brewery will be two stories, and encompass 6,000 square feet. They will grow there own hops for use in their hand crafted brews.



Sustainability

90%

Whole Foods expects to generate 90% of its electricity needs on-site.



Jobs

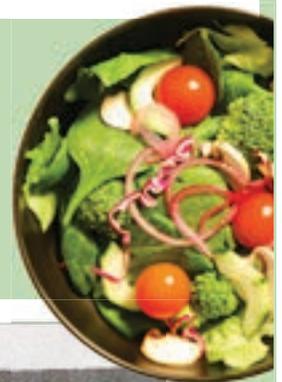
100

Whole Foods will hire 100 people at this store. Many of these jobs will lead to long-term careers with Whole Foods.



Groundbreaking of the newest Whole Foods took place on August 21, 2013.

The market, located on the Alameda is expected to open July 2014.



Arresting Developments

Recently, there has been discussion within our community regarding the possibility of building even more single family houses in areas that are reserved for jobs, or that fall outside outside of the urban service area. The proposed idea would have industrial land conversions pay a fee per housing unit created, and those dollars would then be used to purchase open space land in Coyote Valley.

Although this idea may be worthy of discussion in theory, my concern is that such land use decisions would ultimately be economically bad for San Jose.

Here are my views on land use in San Jose:

1. Growing San Jose beyond its current boundaries, solely focused on housing, is BAD. It would cost more money to extend sewers, road infrastructure, and police services to cover a larger area.
2. The building of single family homes on large pieces of land is not an ideal choice for any city in terms of revenue generation. Single family homes not only use up more land, but they also fail to generate significant tax and fee revenue payable to the city. By comparison, high density market rate development optimizes land use, and generates increased, aggregated tax and fee revenue for our city, which then can be utilized to pay for services.
3. San Jose has ample land already zoned for housing, and some 20,000 housing units that have already been approved but not yet built. There is no need to rezone yet more land in the short term, while the pipeline of pre-approved projects is still full. Scarcity will help San Jose get the type of mixed use developments that people relish in other cities like Portland, Seattle and Vancouver.
4. Approving housing that is exempted from property tax is short sighted, since we do not pay city employees with goodwill. Instead, we pay them with tax revenue. I have consistently voted against these types of developments, as I feel strongly that ongoing revenue is needed to cover the additional city services residents demand.

Ultimately, the future of our city rests on the will of San Jose voters. If voters choose political representatives that later vote to allow the build out of housing in Coyote Valley, South Almaden Valley Reserve, and other industrial zoned parcels, then those same voters must be willing to accept fewer city services. Voters need to keep this connection top of mind at the ballot box, since how San Jose grows has a direct effect on revenues and services.

I understand that, as a candidate for Mayor in 2014, some of my positions on land use may put me at a fundraising disadvantage in terms of garnering contributions from certain housing developers. Sometimes my goals as a city representative are in alignment with those of the development community, and other times they are not. My tenure on the city council has not been on behalf of their interests, but rather for the objective of a better overall city.

There are some development projects that I am happy to support, because they are fiscally pragmatic and are located in strategic locations. For example, I am supporting a new mixed use development that is on The Alameda, next to the Whole Foods Market currently under construction. This development will have 98 units of housing above 22,000 sq feet of retail and office, all on one compact acre. This location is ideal, since it lies within the existing infrastructure of our city, and is walking distance to retail, public transportation and our Downtown.

In my opinion, any policy decisions that directly affect land use issues need to take on a more long term vision in scope. Ultimately, my hope is that San Joseans will realize that, through land use policy, we DO have control and CAN make our city better. Alternatively, we can continue to go down the same ineffective path and repeat the mistakes of the past. I know I am not alone in thinking that San Jose deserves better.

How I Allocated District 6's HP Grant Money

There was a brief mention in the Mercury News about the HP grant funds that are allocated by elected officials in San Jose. I thought that I would take a more in-depth look into the topic by sharing my perspective and providing greater information regarding my allocations.

Each fiscal year, councilmembers are allocated \$20,000 that can be utilized to provide grants to cultural, educational or recreational groups. The mayor is allotted \$50,000, for a grand total of \$250,000 in available funds. These funds are allocated solely at the discretion of the elected official. As the name implies, HP grant funds became available to city officials as a result of the naming rights arrangement for our arena, which is now known as the SAP Center.

HP funds are separate from the annual \$1.3 million that goes to the city's general fund, which is also attributable to naming rights.

My allocations, listed below, represent my personal priorities and values not only as an elected official, but also as a proud citizen of San Jose.

Public School and Youth Athletics: \$53,000

Upon review of my allocations since taking office, I found that my largest allocation by a wide margin was for public schools and youth athletics. I myself attended K-12 public schools in San Jose, and perhaps because of this, I have an affinity for public education and feel that supporting local school organizations is valuable. I have great respect for PTA and youth sports organizations. Volunteers staff them all, they work within timelines towards measurable goals and they spend every dollar judiciously.

Beautification & Revitalization: \$13,000

I have also allocated funds to efforts aimed at the further beautification of San Jose. Specifically, I funded the Art Box Project organized by community volunteer Tina Morrill. Her volunteer work brings art to the neighborhoods in the most cost-effective manner I know of, and it has the added benefit of dissuading graffiti. I also allocated funds to Friends of the San Jose Rose Garden. Earlier this year, the Great Rosarians of the World presented the city of San Jose and Friends of the San Jose Rose Garden with an international award and inducted the garden into the "Rose Garden Hall of Fame." With this honor, San Jose joins award-winning gardens in New York and England.

Community and Cultural Organizations: \$11,000

In my opinion, San Jose is such a desirable place to live due in large part to its diversity, both in terms of the multiculturalism of our city and the vibrancy of our LGBT community. Thus, I have allocated funds to such worthy organizations as the Billy De Frank Center, the African American Heritage House, the Italian American Heritage Foundation and Gay Pride.

Charities: \$10,000

These are larger groups like the YWCA, American Cancer Society, Planned Parenthood and Stroke Foundation. In each case, these groups help San Jose residents not only in times of need, but on an ongoing basis as well. They also host local events like Relay for Life, Walk a Mile in Her Shoes and the Stroke Walk.

City Foundations: \$8,000

My allocations also went to foundations associated with city services, such as auxiliary organizations that support our police, police chaplain, library, parks, and Happy Hollow Zoo. Allocations in this category provide funds that can be utilized to augment core services by providing financial support above and beyond the city budget.

Performing Arts: \$8,000

I enjoy the performing arts and appreciate the added economic stimulus that groups such as City Lights Theater and San Jose Stage Company provide to our downtown. Cultural groups that perform for audiences of all ages deserve our continued support. To this end, I have allocated funds to Children's Musical Theater, San Jose Jazz, San Jose Young People's Theater and Shady Shakespeare Theater Company.

Miscellaneous: \$13,000

Other allocations I made that do not fit neatly into any of the categories listed above include: Veteran's Day Parade; Rose, White & Blue Parade; San Jose Day Nursery; Books for Treats; Christmas in the Park; Good Karma Bikes; California Pioneers of Santa Clara County; Pat Tillman Foundation; Turning Wheels for Kids; Silicon Valley Roller Girls; WG Founders Day Parade; PAWS Animal Rescue; and Veteran Supportive Services.

These allocations were all made directly on behalf of my office, and reflect my values as a citizen of San Jose. My colleagues on the City Council have given their support to many of the same organizations, as well as others. I cannot speak on behalf of my colleagues nor would I criticize any choice they made. Ultimately, there are many good causes. The funds that are allocated, although small, are helpful to these organizations and their beneficiaries.

Sept. 21
Willow Glen
Founders
Day Parade

Sept. 28
Volunteer Day
SJ Muni
Rose Garden

Oct. 10
YWCA
Luncheon

Oct. 12
Convention
Center
Expansion
opens

Oct. 19 & 20
Rose Garden
Home Tour

Oct 26 - 27
And the Beat
Goes On
Symphony Silicon
Valley

Oct 31
Books for
Treats on
Lincoln Ave

Nov. 11
Veteran's Day
Parade
Downtown

Nov. 14
San Jose Tech
Museum
Awards

Nov 15 - 25
"The Wizard
of Oz"
Children's Musical
Theater

Nov. 15 - Dec. 7
"She Kills
Monster"
Renegade Theater Co.

Nov 16 - Dec 1
"Hansel
and Gretel"
San Jose Opera

Nov. 18
Community
Garden
Documentary

Nov 21 - Dec 23
"Christmas
Shorts"
City Lights Theater

Nov 27 - Dec 22
"The Snow
Queen"
SJ Repertory

Nov. 28
Thanksgiving

Nov. 28
Chanukah

Nov. 29
Tree Lighting
Downtown

Nov 29 - Dec 15
"Elves & the
Shoemaker, a
Musical Tale"
Tabard Theater Co.

Dec. 4
Menora Lighting
Santana Row

Dec. 5
Valle
Monte
Fundraiser

Dec 6
Alameda Business
Association Tree
Lighting

Dec 25
Xmas

Jan. 18
Mayor's
Community
Budget Meeting

The true story of how one woman
started a movement
that changed everything.

“Heartfelt.”

The New York Times

“Charming.”

The Village Voice

“Eye-Opening.”

The Hollywood Reporter

“Must-See.”

Daily Candy

JANUARY 29 - 6:31PM
CITY HALL -
COUNCIL CHAMBERS
FREE PARKING

THE PAW PROJECT

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